

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

OMAR A. RAHMAN,

Plaintiff,

v.

**MELONI HANDBERRY & JULIE
CARTER,**

Defendants.

CIVIL ACTION NO. 18-1898

ORDER

AND NOW, this 7th day of July 2021, upon consideration of Defendants' Motion to Dismiss, the responses and replies thereto, and for the reasons explained in the accompanying Memorandum Opinion, it is hereby **ORDERED** that Defendants' Motion to Dismiss [Doc. No. 52] is **GRANTED**. Plaintiff's Amended Complaint is **DISMISSED without prejudice**, and the Clerk is directed to **CLOSE** the case. Plaintiff may file a Second Amended Complaint, to cure the deficiencies explained in the accompanying Memorandum Opinion, no later than **August 6, 2021**. If Plaintiff files an amended Complaint, this case will be reinstated.¹

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.

¹ On February 21, 2020, while the first Motion to Dismiss was pending, Plaintiff was appointed counsel through the Prisoner Civil Rights Panel. *See* Doc. No. 33. Plaintiff requested, and the Court granted, leave to file a Second Amended Complaint. *See* Doc. Nos. 36, 37. However, Plaintiff chose not to amend. By letter, counsel to Plaintiff explained that "[a]fter consultation with Mr. Rahman, we have determined not to file a second amended complaint." *See* Doc. No. 40 at 2.

After the Court granted the first Motion to Dismiss, the Court allowed leave to file a Second Amended Complaint. *See* Doc. No. 42. Plaintiff then requested an extension to file it, which the Court granted. *See* Doc. Nos. 43, 44. Counsel for Plaintiff then informed the Court that after discussing the options with Plaintiff, he would not to file a Second Amended Complaint. *See* Doc. No. 45 at 2.

The Court has dismissed Plaintiff's claims without prejudice and will again allow Plaintiff leave to amend. But because Plaintiff has twice thus far declined the opportunity, the case will be closed for statistical purposes and only reinstated if an amended complaint is filed.